

REMARKS

Claims 1, 3-7, 9, and 11-14 are pending in this application. Claims 1,7, 9, and 12-14 have been amended. Claims 2, 8, and 10 have been canceled without prejudice or disclaimer of their subject matter. No new claims have been added. No new matter has been added.

Claims 1-14 stand rejected under 35 USC § 103(a) as being unpatentable over US Pat. 5,806,072 (**Kuba**) in view of US Pat. 5,576,759 (**Kawamura**).

Applicant respectfully traverses this rejection.

Claims 1 and 7 set forth “said image display means do not simultaneously display both images obtained from the normal pickup mode and the continuous image pickup mode”.

The Examiner concedes that “**Kuba** does not teach that the image display means do not simultaneously display both images obtained from the normal pickup mode and the continuous image pickup mode” (Office Action mailed June 3, 2003, pp. 4 and 8).

In an attempt to remedy the deficiencies of **Kuba**, the Examiner suggests that it would have been obvious to modify **Kuba** with **Kawamura** so that “the display means do not display both index pictures at the same time” (Office Action mailed June 3, 2003, pp. 5 and 8).

However, the Examiner’s suggested combination of **Kuba** and **Kawamura** is unreasonable and improper because **Kuba** teaches away from **Kawamura**.

Kuba aims to solve (Fig. 21B) the problem (Fig. 21A) in displaying different types of images (including individually picked-up images and continuously picked-up images) together and is not based on the premise that different types of images are displayed separately.

Kuba does not disclose an embodiment in which different types of images are displayed separately.

Kuba describes displaying different types of images together. **Kuba** describes displaying images picked up individually together with images picked up continuously (FIG. 21B).

On the contrary, **Kawamura** describes displaying the different types of images separately (FIG. 11B).

Thus, in the above manner, **Kuba** teaches away from **Kawamura**.

In view of the foregoing, the cited references do not teach or suggest the desirability of making the combination of references and the extensive modifications needed to arrive at the claimed invention, as set forth in claims 1 and 7. The cited references do not teach or suggest the desirability of making the claimed invention. Furthermore, there is no suggestion or motivation in the references themselves, or in the knowledge generally available to a person of ordinary skill in the pertinent art, to combine/modify the references to arrive at the claimed invention.

In addition, the Examiner has not yet resolved the level of ordinary skill in the pertinent art. The Examiner has not yet provided evidence of findings regarding the level of ordinary skill in the art.

Because of the divergent teachings of these two references, it is not likely that a person of ordinary skill in the art would combine/modify those references to arrive at the claimed invention as set forth in claims 1 or 7, as amended.

US Patent Application Serial No. 09/274,771

In view of the foregoing, Applicant respectfully traverses the rejections of claims 1 and 7, and all claims depending therefrom, because the cited art does not disclose or teach, alone or in combination, the features therein of “said image display means do not simultaneously display both images obtained from the normal pickup mode and the continuous image pickup mode” in combination with the other claim features.

Claim 1, as amended, sets forth “third selecting means for selecting, in said continuously picked up image reproduction mode, a predetermined number of reduced images among reduced images of predetermined images in respective image groups stored in said memory means”.

Claim 9, as amended, sets forth “third selecting means for selecting a predetermined number of reduced images among reduced images of predetermined images in respective image groups stored in said directory, in said continuously picked up image reproduction mode”.

Features of claims 1 and 9, including the third selecting means and “predetermined images in respective image groups”, are not taught or suggested by the Examiner’s proposed combination/modification of art.

Thus, even if it were reasonable or proper to combine/modify the references as proposed by the Examiner, the features of claims 1 and 9, as amended, would not be taught or suggested by that combination/modification. For example, the cited art fails to teach or suggest the claimed third selecting means as set forth in claim 1, and fails to teach or suggest the claimed third selecting means as set forth in claim 9.

US Patent Application Serial No. 09/274,771

In view of the foregoing, the cited references do not teach or suggest the desirability of making the combination of references and the extensive modifications needed to arrive at the claimed invention, as set forth in claims 1 and 9. The cited references do not teach or suggest the desirability of making the claimed invention. Furthermore, there is no suggestion or motivation in the references themselves, or in the knowledge generally available to a person of ordinary skill in the pertinent art, to combine/modify the references to arrive at the claimed invention.

Because of the divergent teachings of these two references, it is not likely that a person of ordinary skill in the art would combine/modify those references to arrive at the claimed invention set forth in claims 1 or 9, as amended.

In view of the foregoing, Applicant respectfully traverses the rejections of claims 1 and 9, and all claims depending therefrom, because the cited art does not disclose or teach, alone or in combination, the features therein of "third selecting means" in combination with the other claim features.

Accordingly, all pending claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If the Examiner feels that this application is not currently in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

US Patent Application Serial No. 09/274,771

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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